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August 17, 2012

Anthony Herman, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL COUNSEL
AUG 17 2012

Re: Matter Under Review 6612 (Crossroads GPS)

Dear Mr. Herman,

This Response is submitted by the undersigned counsel on behalf of Crossroads Grassroots Policy Strategies (Crossroads GPS), in response to the nuisance complaint designated as Matter Under Review 6612. Crossroads GPS received a copy of the complaint from the Commission on August 3, 2012.

This complaint was filed by Citizens for Responsibility and Ethics in Washington ("CREW"), whose Executive Director recently referred to the Commission as "a disaster," a "massive problem," and an agency that "absolutely refuses to enforce the law."¹ Ms. Sloane's contempt for the Commission notwithstanding, CREW asks the Commission to find that five advertisements distributed by Crossroads GPS contained express advocacy and should have been reported to the FEC as independent expenditures. See Complaint at ¶ 26. However, as is almost always the case when CREW files a complaint with the FEC, the real point of the effort is to issue a press release² and generate media coverage for itself. The legal arguments presented by

¹ See Comments of Melanie Sloane at Center For American Progress Panel Discussion ("Citizens United Two Years Later"), Jan. 23, 2012, available at <http://www.americanprogress.org/events/2012/01/citizensunited.html>. In the press release announcing CREW's complaint, see footnote 2, Ms. Sloan stated: "Pretending these ads are not political makes a mockery of federal election and tax law . . . Then again, making a mockery of the FEC is redundant."

² See CREW press release, "CREW Files FEC Complaint Against Karl Rove's Crossroads GPS," (July 24, 2012) available at <http://www.citizensforethics.org/legal-filings/entry/crew-files-fec-complaint-against-crossroad-gps>.

CREW are secondary and are almost always absolutely baseless. That is certainly the case here, as it is readily apparent that none of the advertisements cited in the Complaint contain any express advocacy.

This Complaint should be quickly dismissed and CREW admonished for its continued abuse of the FEC's processes.

I. Crossroads GPS Advertisements

CREW alleges that several of Crossroads GPS's advertisements contained express advocacy and should have been reported to the Commission as independent expenditures.

A. "Why" and "Tax"

The advertisement described in Paragraphs 9-10 of the Complaint is titled "Why."³ The updated version of "Why" described in Paragraph 11 of the Complaint is titled "Tax."⁴ The script of "Why" is attached as Exhibit A, and the script of "Tax" is attached as Exhibit B.

B. "Change"

The advertisement described in Paragraphs 13-14 of the Complaint is titled "Change."⁵ The script of Change" is attached as Exhibit C.

C. "Disturbing"

The advertisement described in Paragraphs 15-16 of the Complaint is titled "Disturbing."⁶ The script of "Disturbing" is attached as Exhibit D.

D. "Ants"

The advertisement described in Paragraphs 18-19 of the Complaint is titled "Ants."⁷ The script of "Ants" is attached as Exhibit E.

³ "Why" is available at <http://www.youtube.com/watch?v=LEM94pWpBo4>.

⁴ "Tax" is available at <http://www.youtube.com/watch?v=BZwjPOG7eEg>.

⁵ "Change" is available at http://www.youtube.com/watch?v=EW3hyhGrT_Y.

⁶ "Disturbing" is available at <http://www.youtube.com/watch?v=ow5dQMYaq0Q>.

⁷ "Ants" is available at <http://www.youtube.com/watch?v=CXQc0pOgMGY>.

II. CREW's Arguments

The Complaint alleges that the advertisements detailed above contain express advocacy and should have been reported to the Commission as independent expenditures. CREW does not contend that any of these advertisements contains express advocacy under 11 C.F.R. § 100.22(a). Rather, CREW's claims rest on 11 C.F.R. § 100.22(b),⁸ and their position appears to be that an issue advertisement regarding the policies and positions of a non-incumbent must necessarily be construed as containing express advocacy.⁹ A brief review of the law, however, makes clear that there is no express advocacy to be found.

A. Argument #1

CREW alleges that an advertisement that asks viewers to tell a non-incumbent to support the repeal of Obamacare, balanced budgets, or spending restraint "can only be construed as telling [him/her] what [his/her] policies should be if [he/she] is elected to the Senate." Assuming *arguendo* that CREW is correct on this point, that should be the end of this matter. If a communication can be reasonably construed as encouraging some action *other than* the election

⁸ CREW does not allege that the "functional equivalent" standard set forth in *Wisconsin Right to Life, Inc.*, is applicable in this context. We agree that it is not applicable given Chief Justice Roberts' explicit instruction that the standard is only triggered when an advertisement satisfies the statutory electioneering communications definition. *WRTL II* at 474 n.7 ("And keep in mind this test is only triggered if the speech meets the brightline requirements of BCRA § 203 in the first place."). However, in light of the Fourth Circuit's apparent disregard of this limitation in *Real Truth About Obama/Abortion v. FEC*, 681 F.3d 544 (4th Cir. 2012), which appears to have led the court to conflate Section 100.22(b) and the "functional equivalent" concept, and in the absence of any Commission statement on the meaning and impact of that decision, we briefly note Chief Justice Roberts' standard. Nevertheless, just as none of the complained-of advertisements contain any express advocacy under 11 C.F.R. § 100.22(b), none contain the "functional equivalent of express advocacy" either.

⁹ The "legal" explanation that CREW provided to the press is actually much more informative than anything that may be divined from the Complaint. In a press release, CREW charged: "Crossroads GPS is trying to treat these ads as 'issue ads' that do not need to be reported to the FEC, but all of them clearly are political." The press release also included the following statement attributed to Ms. Sloan: "Pretending these ads are not political makes a mockery of federal election and tax law." See CREW press release, "CREW Files FEC Complaint Against Karl Rove's Crossroads GPS," (July 24, 2012) available at <http://www.citizensforethics.org/legal-filings/entry/crew-files-fec-complaint-against-crossroad-gps>. Or, as Ms. Sloan told the *Washington Times*, "[b]y disguising political ads as issue ads, Crossroads is trying to do an end run around the law." David Sherfinski, Crossroads' ad takes sides, says watchdog, *Washington Times* (July 25, 2012) available at <http://www.washingtontimes.com/news/2012/jul/25/crossroads-ad-takes-sides-says-watchdog/print/>. Of course, whether a communication is subjectively perceived as "political" is entirely irrelevant for purposes of determining FEC jurisdiction and whether a communication qualifies as an independent expenditure. Neither FECA nor FEC regulations recognize "political" as a content standard.

or defeat of a clearly identified candidate, then the advertisement is necessarily and by definition not an express advocacy communication. Accordingly, we agree with CREW that the ads in question “can only be construed” as something other than express advocacy.

These advertisements do not encourage any actions to elect or defeat any candidate – they do not contain express advocacy. None of the advertisements at issue make reference to any election. Rather, each advertisement encourages the viewer to tell the identified public figure to support or oppose a policy,¹⁰ and encourages both the viewer and the public figure to support Crossroads GPS’s New Majority Agenda.

B. CREW Argument #2

Next, CREW urges the Commission to accept a second premise that is entirely incompatible with its first argument. As noted above, CREW contends, and we agree, that the advertisements “can only be construed” as encouraging the viewer to tell someone what his or her policies should be. CREW, however, argues that this very same language can *only* be reasonably interpreted “to encourage actions to defeat” that person. In other words, according to CREW, language that “can only be construed” as telling someone what his or her policies should be *must* also be interpreted (construed) simultaneously as encouraging actions to elect or defeat a candidate. This argument is nonsensical on its face.

The existence of express advocacy is determined based on the actual presence of language or imagery that clearly encourages a vote for or against a candidate for office. Without such language or imagery, there is simply no way to make an “express advocacy” finding.

C. CREW Argument #3

As part of its second argument (outlined above), CREW also alleges, incorrectly, that each advertisement contains an “electoral portion [that] is unmistakable, unambiguous, and suggestive of only one meaning.” The supposed “electoral portions” appear to have been divined by CREW from two separate considerations.

¹⁰ “Why” tells the viewer to tell Heidi Heitkamp to “support the full repeal of Obamacare” and encourages both to “support the New Majority Agenda.” “Tax” tells the viewer to tell Heidi Heitkamp to “support the repeal of Obamacare” and encourages both to “support the New Majority Agenda.” “Change” tells the viewer to tell Heidi Heitkamp that “Obamacare is wrong for North Dakota” and encourages both to “support the New Majority Agenda.” “Disturbing” tells the viewer to tell Bob Kerrey to “support balanced budgets, not bailouts.” Finally, “Ants” tells the viewer to tell Tim Kaine to “stop backing reckless spending” and encourages both to “support the New Majority Agenda.”

1. "Electoral Portion"

First, CREW seems to suggest that because the identified public figures are non-incumbents, the advertisements must necessarily be "electoral" in nature. However, no rule of law limits genuine issue advertising to incumbent officeholders or otherwise permits a presumption that urging a non-incumbent to take a certain position must necessarily constitute express advocacy.

The term "electoral portion" was not defined or explained in either *FEC v. Furgatch*, 807 F.2d 857, 864 (9th Cir. 1987), or the Commission's 1995 rulemaking that adopted 11 C.F.R. § 100.22(b). A working definition can be cobbled together, however. Chief Justice Roberts explained in *WRTL II* that mentioning an election, candidacy, political party, or challenger, or taking a position on a candidate's character, qualifications, fitness for office are all "indicia of express advocacy." *WRTL II*, 551 U.S. at 470. See also Factual and Legal Analysis in MUR 6122 (National Assoc. of Home Builders) at 8 (noting the communication at issue "does not explicitly praise Miller's character, qualifications, or accomplishments in a context that has no other reasonable meaning than to encourage actions to elect or defeat Miller"). A recent Statement of Reasons indicates that at least two Commissioners believe that "electoral portion" includes "references to a candidacy, an election opponent, or any other language regarding the federal election process." Statement of Reasons of Vice Chairman Petersen and Commissioner Hunter in MUR 5842 (Economic Freedom Fund) at 12. A second Statement of Reasons in the same matter indicated that at least two other Commissioners view references to election day and voting on election day as providing an adequate "electoral nexus." Statement of Reasons of Commissioners Bauerly and Weintraub in MUR 5842 (Economic Freedom Fund) at 2. See also Factual and Legal Analysis in MUR 6011 (Glasper) at 8 ("the references to the candidates in the special general election and primary runoff and to the upcoming general election in November are entirely electoral in nature, and the clear message of the text ... is for voters to stay home for the special general election"); Factual and Legal Analysis in MUR 5819 (U.S. Chamber of Commerce) at 3 ("The Chamber's message contains an unmistakable and unambiguous electoral portion because it is specifically addressed to 'absentee voters.' In addition, the automated telephone call focuses on Rep. Case's character, qualifications, and accomplishments in a manner that has no other reasonable meaning than to encourage absentee voters to vote for Ed Case for Senator."). Importantly, each of these standards consists of affirmative references. We are not aware of any instance in which the "electoral portion" of a communication has been presumed or found lurking between the lines.

A review of the advertisements at issue reveals that none has an identifiable, affirmatively stated, or otherwise discernible "electoral portion." None of the advertisements cited in the Complaint mention an election (or election day, or voting on election day),

candidacy, political party, challenger, include any other language regarding the federal election process, or question any candidate's character, qualifications, or fitness for office. Without an "electoral portion," an advertisement does not even come within the ambit of 11 C.F.R. § 100.22(b).

However, even if an "electoral portion" were found to exist in one or more of Crossroads GPS's advertisements, that "electoral portion" would not be "unmistakable, unambiguous, and suggestive of only one meaning." According to the Ninth Circuit:

Speech cannot be "express advocacy of the election or defeat of a clearly identified candidate" when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action.

We emphasize that if *any reasonable alternative* reading of speech can be suggested, it cannot be express advocacy subject to the Act's disclosure requirements.

FEC v. Furgatch, 807 F.2d 857, 864 (9th Cir. 1987) (emphasis added); *see also California Pro-Life Council, Inc. v. Getman*, 328 F.3d 1088, 1098 (9th Cir. 2003) ("a close reading of *Furgatch* indicates that we presumed express advocacy must contain some explicit words of advocacy. *See id.* at 864 (noting that 'context cannot supply a meaning that is incompatible with, or simply unrelated to, the clear import of the words)'). There can be no question that a "reasonable alternative reading" exists for every one of the advertisements at issue in this Complaint. CREW, in fact, identified the only *reasonable* reading of these advertisements: they "can only be construed as telling [him/her] what [his/her] policies should be."

2. Contact Information

Second, according to CREW, the contact information either provided or not provided at the end of each advertisement supposedly provides clues to Crossroads GPS's "actual intent." The Supreme Court disagrees. In *Wisconsin Right To Life, Inc.*, the presence or absence of contact information in the advertisements was found to be legally meaningless. In fact, the advertisements at issue in *Wisconsin Right To Life, Inc.*, did not contain on-screen contact information. Rather, those ads directed the viewer to "BeFair.org."¹¹ All but one of Crossroads

¹¹ *See FEC v. Wisconsin Right To Life, Inc.*, 551 U.S. 449, 473 (2007) ("Wisconsinites who viewed 'Wedding,' 'Loan,' or 'Waiting' and wished to contact their Senators – as the ads requested – would be able to obtain the pertinent contact information immediately upon visiting the website. This is fully consistent with viewing WRTL's ads as genuine issue ads.").

GPS's advertisements similarly directs the viewer to a website where more information, including contact information, may be found (in this case, NewMajorityAgenda.org).¹²

III. Commission Precedent

The Commission's recent precedent on the application of Section 100.22(b) is also instructive and confirms that the advertisements cited in the Complaint absolutely do not contain any express advocacy. In MUR 5854 (Lantern Project), the Commission evaluated the "What Is He Thinking?" series of ads regarding Rick Santorum's policies and positions. One of these ads included the following language: "From privatizing Social Security to cutting student loans for the middle class, when Rick Santorum has to choose between siding with George Bush or middle class Pennsylvanians, Santorum supports Bush. What was he thinking?" The Commission concluded:

A review of the ads reveals that each of them is critical of Santorum, but at the same time, they focus on issues, and never mention Santorum's candidacy or his political opponent. Finally, the ads contain no exhortations that a viewer would understand as urging action for Santorum's election. The ads in question do not contain phrases, slogans or words that explicitly urge the election of Rick Santorum or the defeat of Bob Casey. . . . Moreover, the communication's electoral portion is not "unmistakable, unambiguous, and suggestive of only one meaning"; and reasonable minds could differ as to whether it encourages electoral, or some other action. See 11 C.F.R. § 100.22(b). While the ads appear to have been broadcast in the months preceding the general election, the overwhelming focus of the communication[s] is on issues and Santorum's policies or positions on those issues. . . . Given the lack of any electoral directives in the various Lantern Project ads, and taking the communication as a whole, one can reasonably view each communication as criticizing Santorum's legislative or issues agenda, and not as encouraging voting for or against Santorum.

Factual and Legal Analysis in MUR 5854 (Lantern Project) at 5-6.

In another matter, Americans For Prosperity ran advertisements stating, "Americans opposed the healthcare takeover, but [Dina Titus/Earl Pomeroy/Tom Perriello] ignored us and voted with Nancy Pelosi for big government healthcare. . . . [Dina Titus/Earl Pomeroy/Tom Perriello] cast [his/her] vote. Tell [him/her we] won't forget." The ads directed viewers to the NovemberIsComing.com website, where viewers could sign a petition that included the

¹² One advertisement listed the individual's campaign office phone number, which was the only non-public number available for reaching that individual.

following language: "Make sure your elected officials, policymakers, and candidates know that they should not support big government programs or any other freedom-killing policies. . . . We want you to oppose big government programs or any other freedom-killing policies or we will remember in November." See Factual and Legal Analysis in MUR 6311 (Americans For Prosperity) at 2-3. The Commission concluded that these advertisements "lack an unmistakable, unambiguous 'electoral portion.' . . . The exhortation, therefore, does not direct viewers to vote against the incumbent and may reasonably be understood to be requesting a different position on future legislative votes relating to the issue of health care." *Id.* at 6.

The same conclusions reached in MURs 5854 and 6311 must also be drawn about the Crossroads GPS advertisements cited in the Complaint— they similarly "lack an unmistakable, unambiguous 'electoral portion,'" do not direct or exhort a vote, and "may reasonably be understood" "as criticizing [a public figure's] legislative or issues agenda."

IV. Disclaimers and Disclosure Reports

Finally, CREW alleges that "[a]ll of the television advertisements broadcast by Crossroads GPS were independent expenditures, but none of them included" appropriate disclaimers under Section 441d. Complaint at ¶ 34. As explained above, the advertisements at issue contained no express advocacy, were not independent expenditures, and therefore did not require any of the disclaimers referenced in Paragraph 34 of the Complaint. (The statutory and regulatory citations included in Paragraph 34 pertain only to the "stand by your ad" requirements. The allegations, however, extend to the authorization statement requirement and the requirement that the written disclaimer include the sponsor's street address, web address, or telephone number.)

V. Conclusion

CREW's baseless complaint should be dismissed as soon as reasonably possible. The Complaint presents no valid claims, and its legal theories are invented out of whole cloth.

Sincerely,



Thomas J. Josefiak

Michael Bayes

Counsel to Crossroads GPS

“WHY”

| | |
|--|---|
| VIDEO | AUDIO |
| | <u>ANNCR:</u> Heidi Heitkamp promised: |
| <u>TEXT:</u> HEIDI HEITKAMP "I would never vote to take away a senior's health care... or limit anyone's care." | <u>HEITKAMP:</u> I would never vote to take away seniors' health care, or limit anyone's care. |
| <u>TEXT:</u> HEITKAMP ENDORSED OBAMACARE "It actually is a budget-saver." | <u>ANNCR:</u> But Heidi endorsed ObamaCare, bragging: <u>HEITKAMP:</u> "It's actually a budget-saver." |
| <u>CITE:</u> 4/17/12 | |
| <u>TEXT:</u> OBAMACARE'S "BUDGET SAVINGS": HEITKAMP SUPPORTS: \$500 BILLION MEDICARE SPENDING CUTS <u>CITE:</u> The Washington Post, 3/24/10 | <u>ANNCR:</u> Obamacare Cuts medicare spending by \$500 Billion... |
| <u>TEXT:</u> HEITKAMP SUPPORTS: UNELECTED BUREAUCRATS RESTRICT SENIORS' CARE <u>CITE:</u> HHS Secretary Kathleen Sebelius, 7/13/11; Testimony, House Budget Committee, 7/12/11 | Gives unelected bureaucrats the power to <u>restrict</u> seniors' care. |
| <u>TEXT:</u> MILLIONS OF AMERICANS COULD LOSE EXISTING CARE <u>CITE:</u> | And millions of Americans could actually <u>lose</u> their existing health care. |

| | |
|---|--|
| Congressional Budget Office, 3/13/12 | |
| <p><u>TEXT:</u> TELL HEIDI: SUPPORT THE FULL REPEAL OF OBAMACARE</p> <p>Support the New Majority Agenda</p> <p>Visit: NewMajorityAgenda.org/Health to learn what you can do.</p> <p>PAID FOR BY CROSSROADS GRASSROOTS POLICY STRATEGIES</p> | <p><u>ANNCR:</u> Tell Heidi: Support the full repeal of ObamaCare</p> <p>Support the New Majority Agenda, at NewMajorityAgenda.org.</p> |

"TAX"

| VIDEO | AUDIO |
|---|--|
| | <u>ANNCR:</u> Heidi Heitkamp promised: |
| <u>TEXT:</u> HEIDI HEITKAMP "I would never vote to take away a senior's health care... or limit anyone's care." | <u>HEITKAMP:</u> I would never vote to take away seniors' health care, or limit anyone's care. |
| <u>TEXT:</u> HEITKAMP ENDORSED OBAMACARE "It actually is a budget-saver." <u>CITE:</u> 4/17/12 | <u>ANNCR:</u> But Heidi endorsed ObamaCare, bragging: <u>HEITKAMP:</u> "It's actually a budget-saver." |
| <u>TEXT:</u> OBAMACARE'S "BUDGET SAVINGS": RAISES HALF A TRILLION IN TAXES ON AMERICANS HEITKAMP SUPPORTS: \$500 BILLION MEDICARE SPENDING CUTS <u>CITE:</u> The Washington Post, 3/24/10 <u>TEXT:</u> HEITKAMP SUPPORTS: UNELECTED BUREAUCRATS RESTRICT SENIORS' CARE <u>CITE:</u> HHS Secretary Kathleen Sebelius, 7/13/11; Testimony, House Budget Committee, 7/12/11 | <u>ANNCR:</u> But Obamacare raises half a trillion dollars in <i>taxes</i> on Americans. It <u>cuts</u> Medicare spending by \$500 Billion... And gives unelected bureaucrats the power to <u>restrict</u> seniors' care. |
| <u>TEXT:</u> TELL HEIDI: SUPPORT THE | <u>ANNCR:</u> Tell Heidi: Support the repeal of ObamaCare |

**REPEAL
OF OBAMACARE**

Support the New Majority Agenda

**Visit: NewMajorityAgenda.org/Health
to learn what you can do.**

**PAID FOR BY CROSSROADS
GRASSROOTS POLICY STRATEGIES**

**Support the New Majority Agenda, at
NewMajorityAgenda.org.**

"CHANGE"

| VIDEO | AUDIO |
|--|--|
| <p>TEXT: HEIDI HEITKAMP SUPPORTS OBAMACARE</p> <p>AND PREDICTED...</p> <p>HEIDI HEITKAMP "...this bill will change the face of health care..."</p> <p>Source: ObamaCare Rally, 4/1/10</p> | <p>ANNCR: Heidi Heitkamp supports Obamacare.</p> <p>And predicted...</p> <p>HEIDI HEITKAMP: This bill will change the face of health care.</p> |
| <p>TEXT: SHE'S RIGHT</p> <p>OBAMACARE CUTS MEDICARE SPENDING BY \$500 BILLION</p> <p>Source: The Washington Post, 3/24/10</p> <p>UNELECTED BUREAUCRATS CAN RESTRICT SENIORS' CARE</p> <p>Source: HHS Secretary Kathleen Sebelius, 7/13/11; House Budget Committee, 7/12/11</p> <p>HEALTH CARE COSTS AND PREMIUMS LIKELY TO GO UP</p> <p>Source: "Obamacare architect: Expect steep increase in health care premiums," Daily Caller, 2/11/12</p> <p>OBAMACARE NOT THE CHANGE WE NEED</p> | <p>ANNCR: She's right.</p> <p>Obamacare cuts Medicare spending by \$500 billion.</p> <p>Gives unelected bureaucrats the power to restrict seniors' care.</p> <p>And now health care costs – and premiums – are likely to go up</p> <p>That's not the change we need.</p> |
| <p>TEXT: TELL HEIDI: OBAMACARE IS WRONG FOR NORTH DAKOTA</p> <p>Support the New Majority Agenda Visit: NewMajorityAgenda.org/Health</p> | <p>ANNCR: Tell Heidi: Obamacare is wrong for North Dakota.</p> <p>Support the New Majority Agenda. At NewMajorityAgenda.org.</p> |

to learn what you can do.

PAID FOR BY CROSSROADS
GRASSROOTS POLICY STRATEGIES

"Disturbing"

| VIDEO | AUDIO |
|--|--|
| <p>Super: Bob Kerrey supported the Wall Street bailout</p> <p>Source: Politico, 9/19/08</p> | <p>Bob Kerrey supported the Wall Street bailout...</p> |
| <p>Super: "...Kerrey served on board of insurance company that tried to get bailout money..."</p> <p>Source: Nebraska Watchdog.org, 4/19/12</p> | <p>While serving on the board of a company that tried to exploit it.</p> |
| <p>Super: Kerrey's company: bureaucratic ploy for bailout \$</p> <p>Super: Failed</p> <p>Source: Genworth Financial, 2008 Annual Report; Annuity News, 11/17/08; Richmond Times Dispatch, 4/10/09</p> | <p>Kerrey's company tried a bureaucratic ploy to get bailout funds...but the ploy failed.</p> |
| <p>Super: "disturbing trend"</p> <p>Source: Project on Government Oversight, 12/17/08</p> | <p>These schemes were called a disturbing trend by an independent watchdog.</p> |
| <p>Super: "violation of the spirit...of the Act" "to jump on the gravy train"</p> <p>Source: Project on Government Oversight, 12/17/08, 12/18/08</p> | <p>Violating the spirit of the law to jump on the gravy train.</p> |

Super: Bailout Bob Kerrey

Super: Wall Street ways, not Nebraska values

**Super: Tell Bailout Bob Kerrey...support
balanced budgets, not bailouts**

Super: Call 866-270-7387

**Super: Paid for by Crossroads Grassroots
Policy Strategies ("GPS")**

**For Bailout Bob Kerrey, it's Wall Street
ways, not Nebraska values.**

**Tell him: support balanced budgets, not
bailouts.**

"Ants"

| VIDEO | AUDIO |
|---|---|
| <p>Video: Kaine clip</p> <p>Super: "The stimulus is working..."</p> <p>Super: "Stimulus-funded ant research..." - San Francisco Examiner, 8/11/10</p> <p>Video: Kaine clip</p> <p>Super: Office upgrades for politicians - Coburn-McCain Report, 8/10</p> <p>Video: Kaine clip</p> <p>Super: "Stimulus Spending Keeps Failing," The Wall Street Journal Op-Ed, 5/9/12</p> | <p>ANNC: Tim Kaine left Virginia for Washington...</p> <p>...and was a cheerleader for massive spending.</p> <p>KAINE: "the stimulus is working"</p> <p>Annc: But it actually wasted money studying ants...in Africa.</p> <p>KAINE: "this stimulus is critically important"</p> <p>Annc: Really, how? To upgrade politicians' offices?</p> <p>KAINE: "these are investments that will put people back to work right away"</p> <p>Annc: But it failed, miserably.</p> <p>Tell Tim Kaine: For real job growth, stop</p> |

Super: Tell Tim Kaine... Stop backing reckless spending

Super: Support the New Majority Agenda

Visit newmajorityagenda.org/labor to learn what you can do.

Super: Paid for by Grassroots Policy Strategies

backing reckless spending.

Support the New Majority Agenda at New Majority Agenda dot org.